

Remarks

Rejections Under 35 U.S.C. § 103

The Examiner has rejected claims 1-9 and 15-18 under 35 U.S.C. § 103(a) as obvious over published Japanese patent application JP 2002-059559 listing Yasunari as an inventor (hereinafter referred to as Yasunari). The Examiner has rejected claims 19-27 under 35 U.S.C. § 103(a) as obvious over United States patent number 6,783,209 issued to Gompertz, hereinafter referred to as Gompertz. The Applicants respectfully request the Examiner's careful consideration of the explanations provided below regarding these rejections.

Rejections of Claims 19-27 Under 35 U.S.C. § 103(a)

The Applicants do not admit that Gompertz is indeed prior art with respect to this application and reserve the option to antedate the reference. The Applicants note, as the Examiner has indicated, that Gompertz is assigned to the Hewlett Packard Development Company, L.P. The Applicants submit that Gompertz is disqualified as prior art under the provisions of 35 U.S.C. § 103(c), which state in part that:

1) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The Applicants' representative makes the statement that the subject application and the reference were, at the time the invention of the subject matter of claims 19-27 was made, owned by, or subject to an obligation of assignment to, the same person, within the meaning of "person" in 35 U.S.C. § 103(c). Therefore, Gompertz is disqualified as prior art under the provisions of 35 U.S.C. § 103(c). Accordingly, the Applicants respectfully request withdrawal of the rejections of

claims 19-27 under 35 U.S.C. § 103(c).

Rejections of Claims 1-9 and 15-18 Under 35 U.S.C. § 103(a)

The Applicants have amended claim 1 to include subject matter related to limitations recited in claim 19 that the Examiner has indicated, but for Gompertz, includes allowable subject matter. Because the Applicants' representative makes the statement that the subject application and the reference were, at the time the invention of the subject matter of claims 1-9 was made, owned by, or subject to an obligation of assignment to, the same person, within the meaning of "person" in 35 U.S.C. § 103(c), the Applicants submit that Gompertz is disqualified as prior art under the provisions of 35 U.S.C. § 103(c). Accordingly, the Applicants respectfully request withdrawal of the rejections of claim 1 under 35 U.S.C. § 103(c). Claims 2-9 are dependent, either directly or indirectly, upon the amended claim 1 and thereby incorporate all the limitations of the amended claim 1. Therefore, for at least the reason that a valid prima facie obviousness rejection of the amended claim 1 is not present, a valid prima facie obviousness rejection of claims 2-9 is not present. Accordingly, the Applicants respectfully request withdrawal of the rejections of claim 2-9 under 35 U.S.C. § 103(a).

The Applicants have amended claim 15 to include subject matter related to limitations recited in claim 22 that the Examiner has indicated, but for Gompertz, includes allowable subject matter. Because the Applicants' representative makes the statement that the subject application and the reference were, at the time the invention of the subject matter of claims 15-18 was made, owned by, or subject to an obligation of assignment to, the same person, within the meaning of "person" in 35 U.S.C. § 103(c), the Applicants submit that Gompertz is disqualified as prior art under the provisions of 35 U.S.C. § 103(c). Accordingly, the Applicants respectfully request withdrawal of the rejections of claim 15 under 35 U.S.C. § 103(c). Claims 16-18 are dependent, either directly or indirectly, upon the amended claim 15 and thereby incorporate all the limitations of the amended claim 15. Therefore, for at least the reason that a valid prima facie obviousness rejection of the amended claim 15 is not present,

a valid prima facie obviousness rejection of claims 2-9 is not present. Accordingly, the Applicants respectfully request withdrawal of the rejections of claim 2-9 under 35 U.S.C. § 103(a).

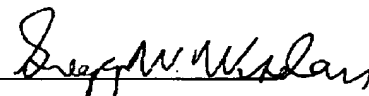
Rejections Under 35 U.S.C. § 102(b)

The Examiner has rejected claims 10-14 under U.S.C. § 102(b) as anticipated by Yasunari. The Applicants have amended claim 10 to include subject matter related to limitations recited in claim 22 that the Examiner has indicated, but for Gompertz, includes allowable subject matter. Because the Applicants' representative makes the statement that the subject application and the reference were, at the time the invention of the subject matter of claims 10-14 was made, owned by, or subject to an obligation of assignment to, the same person, within the meaning of "person" in 35 U.S.C. § 103(c), the Applicants submit that Gompertz is disqualified as prior art under the provisions of 35 U.S.C. § 103(c). Accordingly, the Applicants respectfully request withdrawal of the rejection of claim 10 under 35 U.S.C. § 102(b). Claims 11-14 are dependent, either directly or indirectly, upon the amended claim 10 and thereby incorporate all the limitations of the amended claim 10. Therefore, for at least the reason that the amended claim 10 is not anticipated by Yasunari, claims 11-14 are not anticipated by Yasunari. Accordingly, the Applicants respectfully request withdrawal of the rejections of claims 11-14 under 35 U.S.C. § 102(b).

Conclusion

The Applicants respectfully contend that the subject application is in a condition for allowance. Allowance is respectfully requested.

Respectfully submitted,
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